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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।

Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 25th January, 1985:—

BILL NO. 1 OF 1985

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1985. Short title.

2. In article 371 of the Constitution, in clause (2), sub-clause (a), for the word "Marathwada,", the words "Marathwada, Konkan," shall be substituted. Amendment of article 371.

STATEMENT OF OBJECTS AND REASONS

For years, the Konkan region in the Maharashtra State has remained backward and under-developed. Unless a separate development board is set up for the Konkan region, it will not secure adequate opportunity and investment for its development. This Bill seeks to provide for setting up of a separate development board for the backward 'Konkan' region of the Maharashtra State.

NEW DELHI;
January 5, 1985.

MADHU DANDAVATE.

BILL NO. 9 OF 1985

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1985. Short title.

2. In article 102 of the Constitution, existing clause (2) shall be re-designated as '*Explanation*' to clause (*1*) thereof and after clause (*1*) as so amended, the following new clause shall be added, namely:— Amendment of article 102.

"(2) A person shall be disqualified for continuing as a member of either House of Parliament if he, having been elected as such member, gives up his membership of the political party by which he was set up as a candidate in such election or of which he became a member after such election.".

3. In article 103 of the Constitution, in clause (*1*), for the words, brackets and figures "clause (*1*) of article 102", the words, brackets and figures "clause (*1*) or clause (*2*) of article 102" shall be substituted. Amendment of article 103.

Amendment of article 191.

4. In article 191 of the Constitution, existing clause (*2*) shall be redesignated as *'Explanation'* to clause (*1*) thereof and after clause (*1*) as so amended, the following new clause shall be added, namely:—

"(*2*) A person shall be disqualified for continuing as a member of the Legislative Assembly or Legislative Council of a State if he, having been elected as such member, gives up his membership of the political party by which he was set up as a candidate in such election or of which he became a member after such election.".

Amendment of article 192.

5. In article 192 of the Constitution, in clause (*1*), for the words, brackets and figures "clause (*1*) of article 191", the words, brackets and figures "clause (*1*) or clause (*2*) of article 191" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The problem of political defections that pollutes the climate of democracy and makes a mockery of electoral verdict, has become so acute that it has been agitating the minds of all concerned. The problem cuts across all parties. A Joint Committee of both Houses of Parliament was constituted in 1973 to go into this problem. However, the report of the Committee could not be presented to Parliament.

2. It has been felt that the Constitution needs to be amended to provide that defection by a Member of Parliament or a State Legislature shall disqualify him for continuing as a legislator.

3. The Bill seeks to achieve the above objective.

NEW DELHI;
January 5, 1985.

MADHU DANDAVATE.

BILL NO. 2 OF 1985

A Bill to provide for the establishment of a permanent Bench of the High Court at Allahabad at Bareilly.

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the High Court at Allahabad (Establishment of a Permanent Bench at Bareilly) Act, 1985.

Establishment of a permanent Bench of High Court at Allahabad at Bareilly.

2. There shall be established a permanent Bench of the High Court at Allahabad at Bareilly, and such Judges of the High Court at Allahabad, being not less than two in number, as the Chief Justice of that High Court may, from time to time nominate, shall sit at Bareilly in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in Kumaon, Garhwal, Bareilly, Moradabad, Agra and Meerut Commissionaries of Uttar Pradesh.

STATEMENT OF OBJECTS AND REASONS

Bareilly city is a central place of northern and western part of Uttar Pradesh which is itself a very large province. People of north western part of Uttar Pradesh have to go nearly six hundred miles and are unnecessarily forced to spend a huge amount and sufficient time to reach Allahabad.

So in the larger interest of people, to provide them with cheap and quick justice, it is necessary to establish a permanent Bench of the High Court at Allahabad at Bareilly.

Hence this Bill.

NEW DELHI;
January 7, 1985.

HARISH RAWAT.

BILL NO. 19 OF 1985

A Bill further to amend the Hindu Succession Act, 1956

WHEREAS the Constitution of India has proclaimed equality before law as a Fundamental Right;

AND WHEREAS the exclusion of the daughter from participation in coparcenary ownership merely by reason of her sex is contrary thereto;

AND WHEREAS such exclusion of the daughter has led to the creation of the socially pernicious dowry system with its attendant social ills;

AND WHEREAS this baneful system of dowry has to be eradicated by positive measures which will simultaneously ameliorate the condition of women in the Hindu society;

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Hindu Succession (Amendment) Act, 1985.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

30 of 1956.

2. In the Hindu Succession Act, 1956, after Chapter II, the following Chapter shall be inserted, namely:— Insertion of new Chapter IIA.

"CHAPTER IIA

DAUGHTER'S RIGHT IN SUCCESSION BY SURVIVORSHIP

29A. Notwithstanding anything contained in section 6,— Equal rights to daughter in co-parcenary property.

(*i*) in a joint Hindu family governed by Mitakshara Law, the daughter of a coparcenar shall by birth become a coparcenar in her own right in the same manner as the son and have the same rights in the coparcenary property as she would have had if she had been a son, inclusive of the right to claim by survivorship; and shall be subject to the same liabilities and disabilities in respect thereto as the son;

(*ii*) at a partition in such a joint Hindu family the coparcenary property shall be so divided as to allot to a daughter the same share as is allotable to a son:

Provided that the share which a pre-deceased son or a pre-deceased daughter would have got at the partition if he or she had been alive at the time of the partition shall be allotted to the surviving child of such pre-deceased son or of such pre-deceased daughter:

Provided further that the share allotable to the pre-deceased child of a pre-deceased son or of a pre-deceased daughter, if such child had been alive at the time of the partition, shall be allotted to the child of such pre-deceased child of the pre-deceased son or of the pre-deceased daughter, as the case may be;

(*iii*) any property to which a female Hindu becomes entitled by virtue of the provisions of clause (*i*) shall be held by her with the incidents of coparcenary ownership and shall be regarded, notwithstanding anything contained in this Act or any other law for the time being in force, as property capable of being disposed of by her by will or other testamentary disposition;

(*iv*) nothing in clause (*ii*) shall apply to a married daughter or to a partition which had been effected before the commencement of the Hindu Succession (Amendment) Act, 1985.

29B When a female Hindu dies after the commencement of the Hindu Succession (Amendment) Act, 1985, having at the time of her death an interest in a Mitakshara coparcenary property, her interest in the property shall devolve by survivorship upon the surviving members of the coparcenary and not in accordance with this Act: Interest to devolve by survivorship on death.

Provided that if the deceased had left any child or child of a pre-deceased child, the interest of the deceased in the Mitakshara coparcenary property shall devolve by testamentary or intestate succession, as the case may be, under this Act and not by survivorship.

Explanation 1.—For the purposes of this section, the interest of a female Hindu Mitakshara coparcenar shall be deemed to be the

share in the property that would have been allotted to her if a partition of the property had taken place immediately before her death irrespective of whether she was entitled to claim partition or not.

Explanation 2.—nothing contained in the proviso to this section shall be construed as enabling a person, who, before the death of the deceased, had separated himself or herself from the coparcenary or any of his or her heirs to claim on intestacy a share in the interest referred to therein.

Preferential right to acquire property in certain cases.

29C. (*1*) Where, after the commencement of the Hindu Succession (Amendment) Act, 1985, an interest in any immovable property of an intestate or in any business carried on by him or her, whether solely or in conjunction with others, devolves under section 29A or section 29B upon two or more heirs, and any one of such heirs proposes to transfer his or her interest in the property or business, the other heirs shall have a preferential right to acquire the interest proposed to be transferred.

(*2*) The consideration for which any interest in the property of the deceased may be transferred under this section shall, in the absence of any agreement between the parties, be determined by the court on application being made to it in this behalf, and if any person proposing to acquire the interest is not willing to acquire it for the consideration so determined, such person shall be liable to pay all costs of or incidental to the application.

(*3*) If there are two or more heirs proposing to acquire any interest under this section, that heir who offers the highest consideration for the transfer shall be preferred.

Explanation:—In this section 'court' means the court within the limits of whose jurisdiction the immovable property is situated or the business is carried on, and includes any other court which the Government may, by notification in the Official Gazette, specify in this behalf.".

STATEMENT OF OBJECTS AND REASONS

The Hindu Succession Act, 1956, governs the property rights of the Hindus and provides for devolution of property. Women are not members of coparcenary under the Hindu Mitakshara system and therefore they are not entitled to claim a share in the coparcenary property. Such exclusion of daughters has led to the creation of socially pernicious dowry system, with its attendant social evils. In order to eradicate such evils by positive means which will simultaneously ameliorate the condition of women in Hindu society, it is proposed to confer equal rights on the Hindu women along with the male members. With this end in view, as also to achieve the constitutional mandate of equality, the Hindu succession Act, 1956, needs to be suitably amended.

Hence this Bill.

NEW DELHI;
January 14, 1985.

BHATTAM SREERAMAMURTHY.

BILL NO. 11 OF 1985

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1985.

Amendment of Eighth Schedule.

2. In the Eighth Schedule to the Constitution, entries 9 to 15 shall be renumbered as entries 10 to 16 respectively, and before entry 10 as so renumbered, the entry "9. Nepali." shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Nepali language is spoken by a large number of people residing mainly in the hilly areas of North and North-Eastern regions of our country such as North Bengal, Himachal Pradesh, Sikkim, Assam, Arunachal Pradesh, Tripura and other isolated hilly areas.

The language has its own script and vast literature. Nepali is a language of masses. This has contributed a lot towards the rich culture of our country. Lot of research work has already been done in Nepali language. Calcutta and other Universities have given recognition to the language. About two crores of people scattered all over India are using this language for their day to day work both for speaking and writing. The Government of West Bengal has given recognition to the Nepali language as a State language. The State Government has also taken a decision to use the language in official work. This language needs its due recognition by Constitution.

To give respect to the feelings of such large community it should be included in the Eighth Schedule to the Constitution.

This Bill seeks to achieve this objective.

NEW DELHI;
January 15, 1985.

SATYAGOPAL MISRA.

BILL No. 10 OF 1985

A Bill to eradicate the malpractice of political defections

WHEREAS the obnoxious politics of defections has vitiated the entire political atmosphere in the country;

AND WHEREAS under article 102(1) (e) and article 191(1) (e) of the Constitution of India Parliament is competent to create additional disqualifications for being a member of either House of Parliament or the Legislature of a State;

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Anti-Defection Act, 1985.

(*2*) It shall come into force at once.

Definitions

2. In this Act, unless the context otherwise requires,—

(*a*) "defection": A Member of Parliament or Legislature of a State shall be deemed to have defected if, after having been set up

as a candidate by a party, he has been returned to Parliament or the Legislature of a State and has thereafter:—

(*i*) by writing informed the President of the Party that he has either resigned or ceased to be a member of that Party; or

(*ii*) if he votes or abstains from voting in Parliament or the Legislature of a State contrary to the directions issued by the Party or the person authorised by it in this behalf without obtaining prior permission of such a Party, person or authority;

(*b*) "Party" means a Party, whether a national Party or a State Party, whether recognised or unrecognised, registered with the Election Commission of India under paragraph 3 of the Election Symbols (Reservation and Allotment) Order, 1968;

(*c*) "President" shall mean the person discharging the functions of the Head of the Party;

(*d*) "tribunal" means a tribunal comprising one or more persons to adjudge defections in accordance with section 3.

Every party to provide for the creation of a tribunal.

3. Every Party shall, as a condition of its registration under the Election Symbols (Reservation and Allotment) Order, 1968, make provision in its Constitution for the creation of a tribunal to adjudge defections.

Tribunal to adjudge defection.

4. Whenever the question arises whether a member of Parliament or the Legislature of a State, elected on the symbol of a party has defected, the tribunal shall, after hearing all persons concerned, adjudge whether the member has so defected.

Member to resign his seat.

5. If the Tribunal has come to the conclusion that the member has defected, it shall call upon the member, within a time to be fixed by it, to resign his seat in accordance with article 101 (3) (b) or article 190 (3) (b) of the Constitution of India, as the case may be.

Disqualification for membership.

6. Failure to comply with the direction of the tribunal under section 5 shall disqualify the member from continuing to be a member of either House of Parliament or the Legislature of the State, as the case may be, of which he had been elected a member.

Decision on question of disqualification.

7. If the member concerned or any other person interested in the matter raises the question whether the member has become subject to the said disqualification, the question shall be decided in accordance with article 103 or article 192 of the Constitution of India, as the case may be.

Bar on contesting elections.

8. If the tribunal comes to the conclusion that the member has defected, he shall be debarred from contesting any election to the Houses of Parliament or the Legislature of a State for a period of six years from the date the tribunal adjudges him to have so defected.

STATEMENT OF OBJECTS AND REASONS

The politics of defections has assumed abnoxiously dangerous proportions and, therefore, it has become a great threat to the proper functioning of our democratic system.

The Bill seeks to respond to the aspirations of an overwhelming majority of our people. The object can be achieved by creating additional disqualifications for membership by a simple but comprehensive Act of Parliament.

Hence this Bill.

NEW DELHI;
January 15, 1985.

SAIF-UD-DIN SOZ.

BILL NO. 12 OF 1985

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1985. Short title and commencement

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. For article 338 of the Constitution the following articles shall be substituted, namely:— Substitution of new articles for article 338.

"338. (*1*) **There shall be a Commission for the Scheduled Castes and Scheduled Tribes.** Commission for Scheduled Castes and Scheduled Tribes.

(2) Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of such persons as the President may appoint and the conditions of service and tenure of office of the persons so appointed shall be such as the President may by rule determine.

(3) It shall be the duty of the Commission—

(*a*) to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under this Constitution and laws passed by the Union and State Governments;

(*b*) to undertake a review of the implementation of the policies pursued by the Union and the State Governments with respect to the Scheduled Castes and Scheduled Tribes;

(*c*) to look into specific complaints regarding deprivation of rights and safeguards of the Scheduled Castes and Scheduled Tribes;

(*d*) to conduct studies, research and analysis on the question of avoidance of discrimination and atrocities against Scheduled Castes and Scheduled Tribes;

(*e*) to suggest appropriate legal and welfare measures in respect of Scheduled Castes and Scheduled Tribes to be undertaken by the Union or the State Governments;

(*f*) to serve as a national clearance house for information in respect of the conditions of the Scheduled Castes and Scheduled Tribes;

(*g*) to submit to the President, annually or at such other times as the Commission may deem fit, reports upon the working of those safeguards;

(*h*) to make in such reports such recommendations as the Commission may deem fit as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards; and

(*i*) to discharge such other functions in relation to the protection and advancement of the Scheduled Castes and Scheduled Tribes as the President may by rule specify.

(4) The President shall cause all such reports to be laid before each House of Parliament, within three months of their receipt, along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any such recommendation.

(5) Where any such reports or any part thereof relates to any matters with which any State Government is concerned, a copy of such report, immediately on its receipt shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State, within three months of its receipt by him, along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any such recommendation.

(6) For the purpose of holding any investigation, the Commission shall have the same status and powers as the Commission of Inquiry under the Commissions of Inquiry Act, 1952 60 of 1952.

(7) The Union and the State Government shall consult the Commission on all major policy matters affecting the Scheduled Castes and Scheduled Tribes.

(8) In this article, references to the Scheduled Castes and Scheduled Tribes shall be treated as including references to such other backward classes as the President may, on receipt of the report of a Commission appointed under clause (1) of article 340, by order specify.

Minorities Commission.

338A. (1) There shall be a Commission for the minorities, other than linguistic minorities, to be known as the Minorities Commission.

(2) Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of such persons as the President may appoint and the conditions of service and tenure of office of the persons so appointed shall be such as the President may by rule determine.

(3) It shall be the duty of the Commission—

(a) to investigate all matters relating to the safeguards provided for the minorities under this Constitution and laws passed by the Union and State Governments;

(b) to undertake a review of the implementation of the policies pursued by the Union and the State Governments with respect to the minorities;

(c) to look into specific complaints regarding deprivation of rights and safeguards of the minorities;

(d) to conduct studies, research and analysis on the question of avoidance of discrimination and atrocities against minorities;

(e) to serve as a national clearance house for information in respect of the conditions of the minorities;

(f) to submit to the President, annually or at such other times as the Commission may deem fit, reports upon the working of those safeguards;

(g) to make in such reports such recommendations as the Commission may deem fit as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards;

(h) to discharge such other functions in relation to the protection and advancement of the minorities as the President may by rule specify.

(4) The President shall cause all such reports to be laid before each House of Parliament, within three months of their receipt along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any such recommendation.

(5) Where any such report or any part thereof relates to any matter with which any State Government is concerned, a copy of such report, immediately on its receipt, shall be forwarded to the Governor of the State who shall cause it to be laid before the

Legislature of the State, within three months of its receipt by him, along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any such recommendation.

(6) For the purpose of holding any investigation, the Commission shall have the same status and powers as the Commission of Inquiry under the Commission of Inquiry Act, 1952,— 60 of 1952.

(7) The Union and the State Government shall consult the Commission on all major policy matters affecting the minorities.

(8) In this article, references to minorities shall be treated as references to minorities other than linguistic minorities.".

Substitution of new article for article 350B.

3. For article 350B of the Constitution, the following article shall be substituted namely:—

Linguistic Minorities Commission.

"350B. (1) There shall be a Commission for linguistic minorities to be known as the Linguistic Minorities Commission.

(2) Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of such persons as the President may appoint and the conditions of service and tenure of office of the persons so appointed shall be such as the President may by rule determine.

(3) It shall be the duty of the Commission—

(a) to investigate all matters relating to the safeguards provided for the linguistic minorities under this Constitution and laws passed by the Union and State Governments;

(b) to undertake a review of the implementation of the policies pursued by the Union and the State Governments with respect to the linguistic minorities;

(c) to look into specific complaints regarding deprivation of rights and safeguards of the linguistic minorities;

(d) to conduct studies, research and analysis on the question of avoidance of discrimination and atrocities against linguistic minorities;

(e) to suggest appropriate measures in respect of any linguistic minority of any minority language to be undertaken by the Central or the State Governments;

(f) to serve as a national clearance house for information in respect of the conditions of the linguistic minorities;

(g) to submit to the President, annually or at such other times as the Commission may deem fit, reports upon the working of the safeguards;

(h) to make such recommendations as the Commission may deem fit as to the measures that should be taken by the Union or

any State for the effective implementation of those safeguards; and

(*i*) to discharge such other functions in relation to the protection and advancement of the linguistic minorities as the President may by rule specify.

(*4*) The President shall cause all such reports to be laid before each House of Parliament, within three months of their receipt along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any such recommendation.

(*5*) Where any such report or any part thereof relates to any matter with which any State Government is concerned, a copy of such report, immediately on its receipt, shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State, within three months of its receipt by him, along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, such recommendation.

(*6*) For the purpose of holding any investigation, the Commission shall have the same status and powers as the Commission of Inquiry under the Commission of Inquiry Act, 1952. 60 of 1952.

(*7*) The Union and the State Governments shall consult the Commission on all major policy matters affecting the linguistic minorities.".

STATEMENT OF OBJECTS AND REASONS

Article 338 of the Constitution provides that there shall be a Special Officer for the Scheduled Castes and Scheduled Tribes whose duty it shall be to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes and to report upon the working of those safeguards at prescribed intervals. However, considering the magnitude of the problem, it will inspire greater confidence if matters relating to the Scheduled Castes and Scheduled Tribes are entrusted to a Commission consisting of persons of eminence and status, instead of having one officer reporting on the safeguards.

Similarly, article 350B provides for a Special Officer for linguistic minorities. However, for reasons stated above, it would be expedient to provide for a Commission comprising persons of eminence and status.

Further, the Government have set up by an executive order a Commission to safeguard the interests of minorities. Such a Commission would, if set up in pursuance of constitutional provisions, inspire greater confidence among the minorities. This Minorities Commission shall investigate all matters relating to safeguards provided for minorities other than linguistic minorities and report upon the working of those safeguards at periodical intervals.

It is, therefore, proposed to amend the Constitution to substitute two new articles for article 338 and a new article for article 350B to provide for the aforementioned Commissions.

The Bill seeks to achieve the above objects.

NEW DELHI;
January 15, 1985.

G. M. BANATWALLA.

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to substitute for article 338 new articles 338 and 338A. Clause 3 seeks to substitute a new article for article 350B.

2. New article 338 provides for a Commission for the Scheduled Castes and Scheduled Tribes in place of the Special Officer for the Scheduled Castes and Scheduled Tribes. It is proposed to merge the existing organisation of the Commissioner for the Scheduled Castes and Scheduled Tribes with the proposed new Commission. Even so, the provisions of new article 338 will involve additional expenditure as the Commission will be a multi-member Commission. Further, it will be necessary to augment the strength of the existing organisation of the Commissioner for the Scheduled Castes and Scheduled Tribes. The details of the additional staff requirements and the organisational set up of the Commission for the Scheduled Castes and Scheduled Tribes would be settled after the Commission is set up. It is, therefore, not possible to give a precise estimate of the additional expenditure involved, at this stage. However, it may be estimated that the non-recurring expenditure which may be involved would be about rupees 4.3 lakhs and the recurring expenditure would be about rupees 5.7 lakhs per annum.

3. New article 338A provides for a Minorities Commission. Non-recurring expenditure is likely to be of the order of rupees 6.3 lakhs while the recurring expenditure is likely to be rupees 8.2 lakhs per annum.

4. New article 350B provides for a Linguistic Minorities Commission in place of the Special Officer for linguistic minorities. The provision is similar to the one contained in new article 338. Likewise, it can be estimated that the non-recurring expenditure would be about rupees 4.3 lakhs and the recurring expenditure would be about rupees 5.7 lakhs per annum.

5. The provisions of the Bill do not involve any other expenditure of a recurring or non-recurring nature.

BILL NO. 13 OF 1985

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

Short title

1. This Act may be called the Constitution (Amendment) Act, 1985.

Omission of article 44.

2. Article 44 of the Constitution shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Article 44 of the Constitution is in effect a negation of the personal laws of the communities and is a cause of serious resentment especially among the Muslims. It is necessary to delete the article.

Hence this Bill.

NEW DELHI;
January 15, 1985.

G. M. BANATWALLA.

BILL No. 20 OF 1985

to provide the Indian citizens living abroad with the right to vote in elections to the House of the People and the Legislative Assemblies of States.

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Indian Citizens Abroad (Voting Right at Elections) Act, 1985.

(*2*) It shall extend to the whole of India except the State of Jammu and Kashmir.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Right to vote to Indian citizens living abroad and creation of election machinery.

2. Notwithstanding anything contained in Part IIB and Part III of the Representation of the People Act, 1950, and in any other law for the time being in force,— 43 of 1950.

(*i*) all the Indian citizens who are living abroad and who retain their Indian citizenship shall have the right to exercise their franchise in elections to the House of the People and the Legislative Assemblies of States in the country;

(*ii*) the names of such Indian citizens living abroad shall continue to be registered in the electoral rolls of the constituency in which they were residing before leaving the country; and

(iii) the Election Commission of India shall make provision for and create an adequate machinery to enable such Indian Citizens living abroad to exercise their franchise at every election to the House of the People and the Legislative Assemblies of States.

Diplomatic and consular officers to help Election Commission of India.

3. All diplomatic and consular officers of the Government of India shall act in aid of the Election Commission of India in the discharge of its functions under section 2.

Power to make rules.

4. (*1*) The Central Government shall make rules to carry out the purposes of the Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) adequate pubilicity before the elections are held;

(*b*) the date, place and manner of casting of votes;

(c) the supply of ballot papers and the transmission of used ballot papers and the counting of the votes cast.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions as aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

A large number of Indian citizens live abroad. for various reasons. Many also go abroad temporarily for work. They all take keen interest in Indian affairs and feel disenfranchised in the absence of any machinery to enable them to vote in elections to State Legislatures as well as to Parliament.

This Bill intends to remove the genuine grievance of the Indian citizens residing abroad by providing for and creating an adequate machinery to enable them to vote at the said elections.

NEW DELHI;
January, 15, 1985.

G. M. BANATWALLA.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the creation of machinery to enable Indians living abroad to vote at elections held in India from time to time. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve an expenditure of about rupees two lakhs per annum and non-recurring expenditure of about rupees fifty thousand.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill provides that the Central Government shall make rules for carrying out the purposes of the Act. These rules will relate to matters of detail only. The delegation of legislative power is of a normal character.

SUBHASH C. KASHYAP,
Secretary-General.

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